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REMARKS

Revival of Application

The present application became abandoned for failure to file a reply to the action mailed August 16, 2004. The Applicant has submitted a Petition to Revive an Unintentionally Abandoned Application (Form PT/SB/64), the required fees (specifically, authorization to charge the same to deposit account 06-0600), the present reply, and a statement that the entire delay was unintentional. The Applicant believes that he has complied with the requirements for revival under 37 CFR § 1.137(b) and respectfully requests that said petition be granted.

Amendment to the Specification

The title of the application has been amended to more succinctly reference the subject described and claimed in the present application.

The Examiner (specifically) objected to the length of the abstract. Any amendments to the specification in this regard are solely for the purpose of shortening the length of the abstract and should not be construed as surrender of patentable subject matter or any other estoppel. As the abstract is now less than 150 words in length, the Applicant respectfully requests that the objection be withdrawn.

The abstract has also been amended to clarify that 'media' is specifically inclusive of audio and video. The specification is replete with references to the same. A grammatical error was also corrected on pages two and five. The application number for two separate applications filed concurrently with the present application has also been added on page five. No new matter is added through these amendments.

Objection to Claims 10

The Examiner objected to claim 10, which has been cancelled. The objection is, therefore, moot and overcome. Withdrawal of the same is respectively requested.

Amendments to the Claims

Claims 1-19 have been cancelled. New claims 20-45 have been added. No new matter is added through these claims. All of these claims find proper support in the specification as filed and/or through the applications incorporated by reference.

35 U.S.C. § 102(e) Rejections per Tran

The Examiner rejected a number of the previously pending claims per U.S. patent number 6,202,060 to Tran. Tran discloses a portable data management system that purportedly allows a user to remotely perform spreadsheet functions. The presently pending claims are distinct from Tran (at least) for the fact that they recite a proximity sensor configured to scan for and detect a remote wireless device capable of wireless communication with the portable wireless media access device. This functionality is described (for example) in the originally filed specification at page 4, lines 23 – 29; page 9, lines 2-8; page 9, line 27-page 10, line 11 as well as in Figures 6 and 8. Tran does not disclose a proximity sensor which detects other wireless communication capable devices. While Tran does disclose a GPS-sensor, this functionality is for identifying the location of the device itself and not other remote devices. See Tran, col. 34, l. 59. As such, claim 20 and every claim depending there from—either directly or via an intermediate claim—is allowable. The applicability of Tran to audio, video, and/or audio and video (collectively referred to as audio/video) is also in question.

35 U.S.C. § 103(a) Rejections per Tran & Ditzik

U.S. patent number 5,983,073 to Ditzik purports to disclose a portable computer that also functions as a carrying device. Ditzik does not disclose a proximity sensor for detecting remote wireless device capable of wireless communication with the presently claimed device. Since neither Tran nor Ditzik disclose the aforementioned proximity sensor, each and every element of the presently claimed invention is not found in the cited art and any rejection based on Ditzik and/or Tran is overcome.

35 U.S.C. § 103(a) Rejections per Tran and Whiteside

U.S. patent number 5,835,861 to Whiteside purportedly discloses an apparatus and method whereby a telephone user may query a specially equipped billboard for the telephone number of the advertised party and receive the number on their phone. Whiteside does not, however, disclose a proximity sensor that is capable of detecting other devices that are capable of wireless communication with the presently claimed device. Since Tran and Whiteside (alone or in combination) fail to disclose the aforementioned proximity sensor, any rejection based on Whiteside and/or Tran is overcome.

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CONCLUSION

Tran, Ditzik, and Whiteside (alone or in combination) fail to disclose (at the least) the aforementioned proximity sensor configured to scan for and detect a remote wireless device capable of wireless communication with the portable wireless media access device. As such, the presently pending claim set is allowable over the cited art of record.

The Examiner is respectfully requested to allow the presently pending claims. If the Examiner has any questions concerning this amendment or the application in general, the Examiner is invited to contact undersigned counsel concerning the same.

Respectfully submitted,
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